

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference E 1167	FOR FURTHER ACTION	See Form PCT/PEA/416
International application No. PCT/ES2004/000488	International filing date (day/month/year) 04.11.2004	Priority date (day/month/year) 05.11.2003
International Patent Classification (IPC) or national classification and IPC A47C7/70		
Applicant FIGUERAS INTERNATIONAL SEATING, S.A.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of _____ sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 507 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/ES	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☐ the international application as originally filed/furnished
- ☒ the description:

pages 1-8 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- ☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 9, 10 _____ received by this Authority on 02.06.2005

nos.* _____ received by this Authority on _____

- ☒ the drawings:

sheets 1/5-5/5 _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☒ the claims, nos. 1-4 _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-3</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>2, 3</u>	YES
	Claims	<u>1</u>	NO
Industrial applicability (IA)	Claims	<u>1-3</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Documents taken into consideration:			
D1: JP 9206170 A (20-12-1979)			
D2: DE 8286389 A (20-12-1979)			
<p>The main subject matter of the invention relates to a seat tray table hinge including an assembly for rotating and stowing same in an armrest. Following the amendments to the claims submitted on 02 February 2005, the subject matter that characterises claim 1 has been changed because one part of the characterising part, together with the former claim 2, has been transferred into the preamble, leaving a characterising part comprising only part of claim 1 as originally filed.</p>			
<p>Consequently, the preamble contains a holder with a hollow shaft provided with a head at the end thereof pivotably connected to the tray panel, which shaft includes a spring-biased rod. As indicated in the written opinion, these features are found in document D1, even though the rod engages and is inserted into a toothed wheel instead of a cam with a notch, thereby temporarily locking the table.</p>			

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It was also indicated in the written opinion that the features contained in claim 2 as originally filed, and transferred into claim 1 as part of the amendment of the claims, were already found in document D2, meaning that an angular notch and a perpendicular bolt that together define the range of rotation of the shaft in respective abutment positions are found in document D2.

It follows that the preamble does not contain any features that were not present in said documents.

With regard to the new characterising part of claim 1, the amendments filed in 02 February 2005 are such that said claim is characterised in that "the rod slidingly engages the edge of the cam defining a notch into which the end of the rod is slidingly insertable, thereby temporarily preventing rotation of the table".

As previously indicated, document D1 mentions not a cam with a notch but a toothed wheel. However, document D2 mentions that the tray table is pivotably mounted by means of a cam-like assembly. A rod axially inserted into a rotational shaft projecting outwards through the spring-biased head and slidingly engageable with the edge of the cam is also mentioned in said document. The cam includes portions in which the slidably engaged rod can be inserted to prevent rotation of the table temporarily in the two end positions of the rotational range of movement (see the description and figures 1 and 2).

As a result, it is considered that a person skilled in

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the art would attempt to combine the main parts of document D1 with closest prior art document D2, and would thus arrive at the features in claim 1 with a reasonable expectation of success. For this reason, said claim is not considered to involve an inventive step.